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7 ATTORNEYS FOR DEFENDANT  
8 ROBERT KINCADE

9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF NEVADA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.  
14

15 ROBERT KINCADE, et al.,

16 Defendants.

CASE NO. 2:15-cr-00071-JAD-GWF

**STIPULATION AND ORDER TO  
ADVANCE SENTENCING HEARING**

17 IT IS HEREBY STIPULATED AND AGREED, by and between Alexandra Michael,  
18 Assistant United States Attorney, counsel for the United States of America, and Robert Kincade, and  
19 his counsel Kevin R. Stolworthy, that the sentencing hearing scheduled for August 28, 2017 at 10:00  
20 a.m. be advanced to August 7, 2017, or to the next available date thereafter. This Stipulation is  
21 entered into for the following reasons:

22 1. On June 27, 2017, Kincade entered into a Plea Agreement which was accepted by the  
23 Court. *See* ECF No. 478.

24 2. Kincade pled guilty to misprision of a felony under a Superseding Information. *See*  
25 ECF Nos. 476 and 478.

26 3. It is agreed between Kincade, the Government, and Probation that Kincade's adjusted  
27 Offense Level after a two point downward adjustment for acceptance of responsibility should be an  
28 11.

4. Even assuming Kincade is in criminal history Category VI, the Guidelines range for an offense level of 11 would be 27-33 months.

5. Due to the fact Kincade has been in custody for several years, the Plea Agreement indicates that “[t]he Government will recommend that the Court sentence the Defendant to a custodial sentence of credit for time served to be followed by one year of supervised release unless the Defendant commits any act that could result in a loss of the downward adjustment for acceptance of responsible.”

6. Kincade has conducted his pre-sentence interview with Probation, and Probation has issued a pre-sentence investigation report (“PSR”).

7. Kincade had previously requested an expedited sentencing date, and the Court granted the request in part and “advise[d] that the parties can file a stipulation to change the sentencing date if need be.” *See* ECF No. 280.

8. In light of the fact that the PSR has been completed, the Parties agree that the sentencing date should be advanced to August 7, 2017, or to the next available date thereafter.

9. As counsel for Kincade informed the Court at the change of plea hearing, he is unavailable to attend the sentencing hearing currently set for August 28, 2017, at 10:00 a.m. given he will be out of the state of Nevada.

DATED July 26, 2017

DANIEL BOGDEN  
United States of America

By: /s/Alexandra Michael  
ALEXANDRA MICHAEL  
Assistant U.S. Attorney  
Counsel for the Plaintiff

DATED July 26, 2017

ARMSTRONG TEASDALE LLP

By: /s/Kevin R. Stolworthy  
KEVIN R. STOLWORTHY  
Counsel for Defendant  
Robert Kincade

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
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**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER**

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court  
12 finds that:

13 1. On June 27, 2017, Kincade entered into a Plea Agreement which was accepted by the  
14 Court. *See* ECF No. 478.

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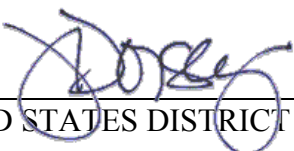
**CONCLUSIONS OF LAW**

The additional time requested herein is not sought for purposes of delay.

**ORDER**

IT IS HEREBY ORDERED that the sentencing hearing set for August 28, 2017 at 10:00 a.m. should be advanced to August 15, 2017 at the hour of 10:30 a.m.

DATED this 28th day of July, 2017.

  
UNITED STATES DISTRICT JUDGE